

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**SECURITIES AND EXCHANGE COMMISSION,**

*Plaintiff/Petitioner,*

**v.**

**INTERNATIONAL CAPITAL GROUP, LLC,  
BRIAN R. NORD, LARRY RUSSELL, JR., and  
TODD J. BERGERON,**

*Defendants/Respondents.*

Docket No.: 1:18-cv-07065

**UNITED STATES SECURITIES AND EXCHANGE COMMISSION’S MOTION  
FOR ENTRY OF FINAL JUDGMENTS AGAINST RESPONDENTS**

Plaintiff, the United States Securities and Exchange Commission (“SEC” or the “Commission”), moves this Court for Entry of Final Judgments against Respondents Brian R. Nord (“Nord”), Larry Russell, Jr. (“Russell”), and Todd J. Bergeron (“Bergeron”) pursuant to Section 20(c) of the Securities Act of 1933 (“Securities Act”), Section 21(e)(1) of the Securities Exchange Act of 1934 (“Exchange Act”), and Section 42(d) of the Investment Company Act of 1940 (“Investment Company Act”).

1. On October 22, 2018, the Commission filed an Application for an Order Under Section 20(c) of the Securities Act, Section 21(e)(1) of the Exchange Act, and Section 42(d) of the Investment Company Act Enforcing Compliance with a Commission Order (“Application”). (ECF No. 1). On the same date, the Commission began the process of serving International Capital Group, LLC (“ICG”), Brian R. Nord (“Nord”), Larry Russell, Jr. (“Russell”), and Todd J. Bergeron (“Bergeron”) (collectively “Respondents”) with the Application.

2. Respondents were all served and Certificates of Service were filed on November 1, 2018. (*See* ECF Nos. 5-8).

3. On November 1, 2018, a docket entry was made by this Court setting a status hearing for November 14, 2018. (ECF No. 9).

4. On November 7, 2018, this Court entered an Order to Show Cause (“Show Cause Order”) against the Respondents upon the Commission’s Application, which reset the November 14 hearing to December 12, 2018. (ECF No. 10). The Commission served the Respondents with the Show Cause Order on November 8, 2018.

5. The Show Cause Order required Respondents to serve and file any papers opposing the Commission’s Application on or before 5:00 p.m. on Wednesday, November 21, 2018. (*See* ECF 10). Pursuant to the Court’s Show Cause Order, if the Respondents failed to file opposing papers and/or appear at the scheduled hearing the Court could “find the Respondents in default and enter an appropriate order against them at such time without further notice being given.” (*See* ECF 10, p. 2).

6. On November 29, 2018, the Commission filed a Motion to Withdraw the Application as it applied to ICG after being notified that its registered agent could not forward the documents served and confirming that ICG’s status was cancelled according to the Delaware Division of Corporations. (ECF No. 11).

7. On November 30, 2018, this Court entered an Order granting the Commission’s Motion to Withdraw; however, in doing so the December 12 hearing was cancelled. (ECF No. 13). On December 11, 2018, the Court clarified that the Application was withdrawn only as to ICG, and that the Application remained pending as to the remaining Respondents. (ECF No. 14).

8. The Commission filed a Notice of Presentment to reschedule the show cause hearing to January 2, 2019. (ECF No. 16). Service was made on Respondents Nord, Russell and Bergeron on December 13, 2018.

9. On December 21, 2018, appropriations for the federal government lapsed.<sup>1</sup> On the same date, this Court entered Amended General Order 18-0028, which suspended all civil litigation in which the United States of America, its agencies, officers or employees were parties.

10. On December 28, 2018, the January 2 hearing was rescheduled to January 16, 2019. On January 14, 2019, the January 16 hearing was stricken with no rescheduled date on which to appear.

11. On January 25, 2019, a continuing resolution was signed that provided funding for the Commission's operations through February 15, 2019. The Commission reopened on January 28, 2019.

12. As of today's date, more than sixty (60) days after their opposition was due, the Respondents have failed to file any papers opposing the Commission's Application. Accordingly, rather than reset the show cause hearing the Commission respectfully requests that the Court enter final judgments against the Respondents in the forms of the proposed final judgments attached to this motion.

WHEREFORE, the Commission respectfully requests that this Court enter final judgments against the Respondents or, in the alternative, reschedule the show cause hearing.

Dated: January 29, 2019

Respectfully submitted,

/s/ Christy White

Christy J. White (D.C. Bar No. 974102)

---

<sup>1</sup> On December 27, 2018, the Commission closed as a result of this lapse.

**U.S. Securities and Exchange Commission**

100 F Street, NE, Mail Stop 5628

Washington, DC 20549

Tel: 202-551-4502

Email: [whitechr@sec.gov](mailto:whitechr@sec.gov)

**CERTIFICATE OF SERVICE**

I, Christy J. White, hereby certify that on January 29, 2019, I electronically filed the United States Securities and Exchange Commission's Motion for Entry of Final Judgment using the CM/ECF system, which will send notification of such filing to the parties of record. Service was also made on January 31, 2019, by UPS Overnight Delivery on the following:

Brian R. Nord  
20610 N. Westpark Place  
Deer Park, IL 60010;

Larry Russell, Jr.  
5929 S. Lama Street  
Terre Haute, IN 47802; and

Todd J. Bergeron  
205 Burr Oak Circle  
Elgin, IL 60124.

Dated: January 29, 2019

Respectfully submitted,

/s/ Christy J. White  
Christy J. White (D.C. Bar No. 974102)  
U.S. Securities and Exchange Commission  
100 F Street, NE, Mail Stop 5628  
Washington, DC 20549  
Tel: 202-551-4502  
Email: [whitechr@sec.gov](mailto:whitechr@sec.gov)